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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Linda Cervantes,

10 Plaintiff,

11 v.

12 Unknown Parties, et al.,

13 Defendants.  
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No. CV-24-00364-PHX-DJH

**ORDER**

15 The deadline for service in this matter was May 22, 2024. Fed. R. Civ. P. 4(m)  
16 (a plaintiff must serve the defendant within ninety days after the complaint is filed).<sup>1</sup> The  
17 record shows Plaintiff Linda Cervantes (“Plaintiff”) adequately served Defendant Alberto  
18 Mejia via service processor on March 4, 2024, (Doc. 11) and, the next day,  
19 Defendant Alberto Mejia filed an Answer (Doc. 9) to the Complaint (Doc. 1). However,  
20 Defendants John Doe Corporation I–X d/b/a El Guapo Envios, Jose L. Mejia Torres, Jane  
21 Doe Torres, and Jane Doe Mejia (collectively the “Unserved Defendants”) were not served  
22 by the service deadline, and so Plaintiff filed a Motion for Extension of Time to Serve the  
23 Unserved Defendants (Doc. 13). Federal Rule of Civil Procedure 4 provides if a plaintiff  
24 shows good cause for failing to serve a defendant within the time limit, “the court must  
25 extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). Plaintiff seeks  
26 a sixty (60) day extension to serve the Unserved Defendants because she suspects they are  
27 either out of the country or actively avoiding service. (Doc. 13 at 3). The Court will  
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<sup>1</sup> The Complaint (Doc. 1) was filed on February 22, 2024.

1 address the circumstances of each Unserved Defendant in turn.

2 **I. Defendants Jose L. Mejia Torres and Jane Doe Torres**

3 When Plaintiff's service processor served Defendant Alberto Mejia, he indicated  
4 that Defendant Jose L. Mejia Torres is his father and he is out of the country. (Doc. 13-1  
5 at 2). Plaintiff's service processor asked Defendant Alberto Mejia to call when Defendant  
6 Jose L. Mejia Torres returned. (*Id.*) As of May 22, 2024, Plaintiff's service processor has  
7 not yet received a call from Defendant Jose L. Mejia Torres. (Doc. 13 at 3). Because  
8 Defendant Jose L. Mejia Torres is out of the country and expected to return, the Court finds  
9 good cause to grant Plaintiff a sixty (60) day extension to serve Defendants Jose L. Mejia  
10 Torres and Jane Doe Torres.

11 **II. Defendants John Doe Corporation I–X d/b/a El Guapo Envios**

12 Plaintiff says the trade name El Guapo Envios is owned by Defendant Jose L. Mejia  
13 Torres (Doc. 13-3) and Defendant Alberto Mejia admitted in his Answer that Defendants  
14 Jose L. Mejia Torres and Jane Doe Torres are the owners of El Guapo Envios (Doc. 9 at ¶  
15 13). Plaintiff thus concludes that Defendants Jose L. Mejia Torres and Jane Doe Torres  
16 are the correct parties to serve on behalf of a Defendant John Doe Corporation I–X d/b/a  
17 El Guapo Envios. The Court agrees. Because the Court will grant Plaintiff a sixty (60)  
18 day extension to serve Defendants Jose L. Mejia Torres and Jane Doe Torres, the Court  
19 finds cause to grant Plaintiff the same extension to serve Defendant John Doe Corporation  
20 I–X d/b/a El Guapo Envios.


21 **III. Defendant Jane Doe Mejia**

22 Defendant Alberto Mejia stated to Plaintiff's process server that he is not married  
23 (Doc. 13 at 2). Plaintiff represents she relied on Defendant Alberto Mejia's statement and  
24 had discontinued efforts to serve Defendant Jane Doe Mejia. (Doc. 13 at 4). However,  
25 Defendant Alberto Mejia later admitted in his Answer that he is married. (Doc. 9 at ¶ 15).  
26 So, Plaintiff seeks an extension to so she can locate Defendant Jane Doe Mejia through  
27 Defendant Alberto Mejia. The Court finds Plaintiff's request is supported by good cause  
28 and will grant her a sixty (60) day extension to serve Defendant Jane Doe Mejia.

1 Accordingly,

2 **IT IS ORDERED** that Plaintiff Linda Cervantes Motion for Extension of Time to  
3 Serve (Doc. 13) is **GRANTED**. Plaintiff may have through July 22, 2024, to serve  
4 Defendants John Doe Corporation I–X d/b/a El Guapo Envios, Jose L. Mejia Torres, Jane  
5 Doe Torres, and Jane Doe Mejia.

6 Dated this 24th day of May, 2024.

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8 Honorable Diane J. Humetewa  
9 United States District Judge  
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